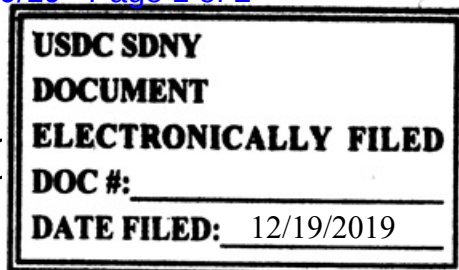


***LEEDS BROWN LAW, P.C.***

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December 18, 2019

*Via ECF*

Honorable Magistrate Judge Stewart D. Aaron  
US District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Mazzocchi v. Windsor Owners Corp. et al., 11-CV-7913 (RA) (SDA)

Dear Judge Aaron:

This office represents the Plaintiff in the above matter. Counsel for the parties have reviewed your Order of December 9, 2019, and jointly request a modification thereto.

The Order requires that, "*No later than December 31, 2019, Defendants shall inform Plaintiff as to whether they intend to introduce at trial evidence of any complaints about Jane Doe reflected in the supplemental production.*" Defendants do not believe that they can make this determination until after the depositions of Platt, Gilbert, and Dunphy are completed. Without those depositions, Defendants have indicated that they would have to reserve the power to seek to introduce some or all of the complaints at trial, which would trigger further discovery, including depositions of persons with potential information related to such complaints. This would cause the parties to engage in substantial and expensive additional discovery, which might be avoided if the Platt, Gilbert, and Dunphy depositions were taken before the decision is made regarding the complaints. Although the parties have attempted to alleviate this problem by scheduling the depositions before December 31, these attempts have been unsuccessful.<sup>1</sup> Furthermore, counsel for Defendants has planned to be out of the state for the entire month of January.

In light of the above, counsel for all parties respectfully request that:

1. The time to complete the Platt, Gilbert, and Dunphy depositions be extended from January 31, 2020 to February 21, 2020.
2. The time for Defendants to determine if they intend to introduce the complaints be extended until February 28, 2020. If the Defendants do intend to introduce any of the

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<sup>1</sup> This process has been complicated by the fact that the spouse of one of the deponents died last week.

indicated complaints at trial, then further discovery on those complaints will be completed by March 27, 2020.

In the alternative, if the above requests are deemed too extensive, counsel for the Defendants propose that they will arrange to return to New York for three consecutive days in January for the Platt, Gilbert, and Dunphy depositions. Within seven days thereafter, Defendants would decide their course regarding introduction of the complaints. Plaintiff would then have 28 days to conduct any additional discovery on these complaints.

Both parties appreciate your consideration of this request.

Respectfully Submitted,



Andrew Costello

CC: Defendants' counsel (via ECF)

Application GRANTED. The time to complete the Platt, Gilbert, and Dunphy depositions is extended until February 21, 2020. The time for Defendants to determine whether to introduce additional complaints is extended until February 28, 2020. No later than February 28, 2020, the parties shall file a joint letter advising the Court as to Defendants' decision. SO ORDERED.

Dated: December 19, 2019

